

**UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA**

U.S.A. vs. Jernard Elliott Rice

Docket No. 5:01-CR-49-2BR

Petition for Action on Supervised Release

COMES NOW Eddie J. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Jernard Elliott Rice, who, upon an earlier plea of guilty to 21 U.S.C. § 841 and 18 U.S.C. § 2, Possession with Intent to Distribute Cocaine and Aiding and Abetting, was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on July 2, 2001, to the custody of the Bureau of Prisons for a term of 188 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Jernard Elliott Rice was released from custody on April 25, 2014, at which time the term of supervised release commenced. On November 12, 2015, a violation report was submitted to the court reporting that the defendant tested positive for marijuana use on November 2, 2015 and was in arrears on his fine payments. The court agreed to continue supervision.

On January 6, 2016, after the defendant tested positive for marijuana use on December 17, 2015, the court modified the conditions of supervision to include 60 days of home detention with electronic monitoring.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On February 25, 2016, the defendant submitted a urine sample that was returned positive for marijuana use. When confronted, the defendant signed an admission acknowledging his use of marijuana on or about February 24, 2016. Since his previous use of marijuana, the defendant has been enrolled and compliant with substance abuse counseling. To provide a punitive sanction for this conduct, we are recommending that the conditions of supervision be modified to include nine days in jail. We will continue to monitor the defendant's drug use through the Surprise Urinalysis Program.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 9 days, as arranged by the probation office, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert K. Britt

Robert K. Britt

Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith

Eddie J. Smith

U.S. Probation Officer

310 Dick Street

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Executed On: March 14, 2016

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ORDER OF THE COURT

Considered and ordered this 16 day of March, 2016 and ordered filed and made a part of the records in the above case.

W. Earl Britt
Senior U.S. District Judge

A handwritten signature in green ink, appearing to read "W. Earl Britt", is written over a faint, light-colored rectangular stamp or watermark.